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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,975	03/14/2004	James T. Bezanson	BEA920030032US1	1393
61780 7590 04/13/2009 LAW OFFICES OF MICHAEL DRYJA (Raleigh) 1474 N COOPER RD #105-248 GILBERT, AZ 85233				
EXAMINER				
SHU, HO T				
ART UNIT		PAPER NUMBER		
2457				
MAIL DATE		DELIVERY MODE		
04/13/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/800,975

Applicant(s)

BEZANSON ET AL.

Examiner

HO SHIU

Art Unit

2457

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 March 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-14.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Salad Abdullahi/
Primary Examiner, Art Unit 2457

Continuation of 11.

The examiner notes that this after final is in response to the final office action sent on Feb. 2, 2009 and not on April 2, 2009 as stated by the applicant.

Applicant's arguments does NOT place the application in condition for allowance because:

A)

Applicants on page 6-8 – argues “creating references within an unattended installation file for the client computing system to the entries for the drivers of the devices for the client computing system within the master driver file” is not disclosed because the “references to the entries within the master driver file are created within the unattended installation file”, emphasis added.

The examiner respectfully disagrees with applicant's arguments. As stated again in [0032] of Poppenga, with reference to fig. 1, Poppenga discloses “The web user-interface 32 accesses driver information in the data repository 26 and forwards necessary driver configuration information in addition to the name of an automatically selected starting driver to the driver package builder 34. The driver package builder 34 retrieves the initially selected driver from the device driver database 30 and automatically generates an appropriate accompanying configuration file of files (such as .ini files), to accompany the driver installation. The automatically selected driver and accompanying configuration files are made available to the customer computer 20 via the MPP website 18 for automatic downloading, installation, and configuring.” Data repository 28 includes device list, installed options, device network ID's, print queues, device asset numbers, device location, and customer information. In [0030], Poppenga discloses “The web user-interface software 32 employs the entered or selected asset number to access corresponding printer information in the data repository 28. The web user-interface software 32 then employs this information, along with any predetermined customer driver preferences, to select an appropriate initial basic driver.” This means that a basic driver is chosen because of an asset number or any other information in the data repository 28. According to [0032], the web user-interface 32 accesses data repository 28, and forwards the necessary driver configuration information in addition to the name of an automatically selected starting driver to the driver package builder 34. That alone means that necessary information (including the asset number to indicate the selected driver) is forwarded to the driver package builder in which the driver package builder has this asset number information. When information is forwarded, the information is stored which is essentially creating another information file. If the driver package builder does not have this information, it cannot select which initial basic driver it needs. So by these passages, Poppenga clearly discloses creating references to the entries of the driver in an unattended installation file.

Applicant also argue that Poppenga does not disclose create a reference file since it would not make sense to do so since the prior art in combination retrieves the entire driver file from the master driver file, and the driver file is passed to the client computing system. The examiner has taken this argument into consideration but does not find it valid. Poppenga discloses that it selects an appropriate initial basic driver which is the drivers that are needed for the device and not the entire driver but just the initial basic driver. It also seems that applicant's claim 9 is equivalent in this aspect as claims 6-8 claim that the master driver file is being copied while claim 9 claims copying the drivers that are needed for the device on the client computer system to the client computing system. In this case, one of ordinary skill would argue that references are not needed in applicant's invention since it already has the file it needs.

B)

Applicants on pages 8-10 argue that “determining which drivers are needed for devices on the client computing systems that are not automatically found and installed during vendor-specified operating system installation,” “creating entries for the drivers within a master driver file,” and “for each client computing system, creating references within an unattended installation file to the entries for the drivers within the master driver file” are all performed by a server computing system responsible for installing operating systems on the client computing systems is not disclosed.

The examiner respectfully disagrees with applicant's arguments. Maxwell discloses in col. 2, lines 24-33, that Platinum Technology AutoConfigure system (which was originally called intel's LANDesk Configuration Manager is designed to primarily to automatically install software on networked PCs. It is a PXE server also so it can install the Operating System, and other lo-level software, in addition to applications which has been incorporated by reference in Maxwell's disclosure. Maxwell's title and abstract clearly state that it is for inputting new device driver information into a personal computer in an existing computer network so as to enable the Operating System to recognize the new hardware device. With this passage, it Maxwell clearly discloses that the server/computer that is responsible to install the drivers are also a PXE server which are used to install the Operating System.

Applicant's also argue that Poppenga actually teaches away from the servers being responsible for installing operating systems on the client computing systems because the client computing system interacts with the servers over a web site and that if an operating system is not yet installed on the client computing system, then there is no way for the client computing system to communicate with the servers over the web site. The examiner has noted this argument but notes that this argument is not valid as no where in the claims state that the operating system has not already been installed on the client computing system. Even while considering this fact, applicant's PG Pub [0022] and fig. 1, applicant's specifically state that the network 106 that is between server computing system 102 and client computing systems 104, that the network 106 via which the server computing system 102 communicates with the client computing systems 104 may include one or more of local-area networks (LAN's), wide-area networks (WAN's), intranets, extranets, the Internet, wired networks, wireless networks, telecommunications networks including cellular phone and land-line networks, as well as other types of networks. Applicant's clearly state that the communication can be the internet (which includes web server and browser). In this case, one of ordinary skill in the art would argue that the internet cannot be used as one of the connections.

C)

Applicants on pages 10-14 argue that the prior art do not disclose the creation of the entries for the drivers within a master driver file are done without user interaction.

The examiner respectfully disagrees with applicant's arguments since Kaplan clearly disclose in the abstract that a mechanism is provided that allows an application program to write, as a single file, a large block of data comprising multiple portions that could otherwise be written as server smaller files. The application program writes, via the file system, a single file to the column as a contiguous block of data. In col. 4, lines 38-44, Kaplan discloses that the file system makes use of a database, such as a Master File Table (master driver file), that contains multiple records, each record describing a file on the hard disk. These are all done by an application program and do not require any user interaction.

The arguments against the rest of the prior art regarding the creation of the entries for the drivers within a master driver file are done without user interaction are moot. The examiner notes that in applicant's PG Pub [0029] discloses that that unattended installation file is needed to completely install the operating system on the client computing system without requiring user interaction but does not disclose that the creation of the entries for the drivers within a master driver file are done without user interaction. The examiner has noted the arguments the applicant has presented on 10/30/2008, on page 8. Applicants state that this process (the creation of the entries for the drivers within a master driver file are done without user interaction) is part of an "unattended" operating installation process and therefore, the server computing system creating entries for the drivers within the master driver file without user interaction is inherent within the patent application as filed (emphasis added). Smith's title discloses "Automated device driver installation" and Maxwell clearly discloses in the abstract that the method and apparatus are disclosed for inputting new device driver information into a Personal Computer (PC) in an existing computer network so as to enable the Operating System (OS) to recognize the new hardware device during installation of the OS and to permit the OS to automatically install the associated device driver. Therefore, Smith and Maxwell both disclose creation of the entries for the drivers within a master driver file are done without user interaction as it is an inherent feature.